

**CITY OF PARK RAPIDS
CITY COUNCIL MEETING
OCTOBER 8, 2019, 6:00 PM
Park Rapids City Hall Council Chambers
Park Rapids, Minnesota**

1. CALL TO ORDER: The October 8th, 2019, Regular Meeting of the Park Rapids City Council was called to order at 6:00 p.m. by Mayor Ryan Leckner, and the Pledge of Allegiance was recited.

2. ROLL CALL: Present: Mayor Ryan Leckner, Councilmembers Tom Conway, Erika Randall, Liz Stone, and Robert Wills. Absent: None. Staff Present: Administrator Ryan Mathisrud, Planner Andrew Mack, Public Facilities Superintendent Chris Fieldsend, Liquor Store Manager Scott Olson, Treasurer Angela Brumbaugh, Fire Chief Terry Long, and Clerk Margie Vik. Others Present: Cynthia Jones, Sue Tomte, Jessica Mjelde, and Robin Fish from the Enterprise.

3. APPROVAL OF AGENDA: A motion was made by Randall, seconded by Stone, and unanimously carried to approve the agenda with the following addition to the Consent Agenda: #7.13. Approve Replacement of Transfer Case on Police Unit #1, by Park Rapids Ford, in the Amount of \$1,723.73.

4. PUBLIC HEARING FOR A VACATION AT 6:00 PM:

A motion was made by Wills, seconded by Conway, and unanimously carried to open the public hearing at 6:02 p.m.

4.1. Vacation of a Public Utility Easement Located in the Timbers Addition in the City of Park Rapids: Andrew Mack stated I'm going to defer the presentation of this vacation request until after the Mjelde's variance request is discussed, which is Item #9.2.

Mayor Leckner requested public comments regarding the vacation of a public utility easement. Jessica Mjelde stated we are looking for this vacation of the utility easement so we can build a third stall on our garage. Our vehicles just don't fit into the garage anymore. We're located directly onto city property where there will never be any building on it. We've also looked at drainage plans and have been working with the city on that.

Leckner questioned will they be building closer to the lot line? Mack stated he would be making a full presentation of the vacation request after the variance discussion. We can't permit any construction in a city right of way without the approval of both a variance and the vacation of the public utility. I received one call on this subject from a neighbor who had a few questions. After I addressed them, they had no concerns about the approval of this vacation.

A motion was made by Randall, seconded by Conway, and unanimously carried to close the public hearing at 6:05 p.m.

5. APPROVAL OF MINUTES:

5.1. City Council Regular Meeting Minutes-September 24, 2019: A motion was made by Stone, seconded by Wills, and unanimously carried to approve the September 24th, 2019, City Council Regular Meeting minutes as presented.

6. FINANCE:

6.1. Payables & Prepays: A motion was made by Randall, seconded by Wills, and unanimously carried to approve the payables in the amount of \$12,264.35, and the prepaids in the amount of \$108,349.51, for a total of \$120,613.86.

7. CONSENT AGENDA: A motion was made by Conway, seconded by Randall, and unanimously carried to approve the following consent agenda items:

- 7.1. Approve Low Quote in the Amount of \$25,780.00 from Jason Makela Construction to Replace Ten (10) Exterior Windows and Two (2) Exterior Doors in the Park Rapids Avionics Building at the Municipal Airport, as per the Airport Rent Reduction Systems Repair Agreement (Amendment #2).
- 7.2. Resolution #2019-176 Approving Ordinance No. 596 Amending the City of Park Rapids Code of Ordinances, Chapter 36 Fee Schedule, Section 36.07 Dog, Cat and Other Animal Fees.
- 7.3. Ordinance No. 596 Amending the City of Park Rapids Code of Ordinances, Chapter 36 Fee Schedule, Section 36.07 Dog, Cat and Other Animal Fees.
- 7.4. Approve Public Facilities Use Permit for Jacob DeBliek d.b.a. Park Rapids Water Ski Team to Use Pioneer Park and Depot Park on Saturday, October 19th, 2019, from 12:00 noon to 6:00 p.m. for the Tri Wizard Tournament.
- 7.5. Approve Pay Request #3 in the Amount of \$35,881.83 for Central Florida Tankees for Work Completed on the 500,000 Gallon Water Tower Rehabilitation Project.

- 7.6. **Approve Pay Request in the Amount of \$3,000.00 for TKDA for Engineering Services for the 2018 Pavement Repairs and Apron Lighting Upgrades at the Municipal Airport.**
- 7.7. **Authorize Staff to Advertise and Interview for up to Two (2) Part Time Rapids Spirits Liquor Store Clerks.**
- 7.8. **Resolution #2019-177 Approve Wage Adjustment and Step Increase for Part Time Rapids Spirits Liquor Store Clerk Cody Barr.**
- 7.9. **Resolution #2019-178 Acknowledging the Resignation of Volunteer Firefighter Sean Evans for the City of Park Rapids.**
- 7.10. **Resolution #2019-179 Appointing Jim Preston to the Position of Volunteer Firefighter for the City of Park Rapids.**
- 7.11. **UTILITY BILLING: Approve a Credit for the Second Quarter in the Amount of \$1,158.84, and a Credit for the Third Quarter in the Amount of \$898.22, for a Total Credit of \$2,057.06 for the Sewer Portion of the Billing, for Shane Sundet, at 403 Central Avenue, Account #02-0000403-06-1, PID #32.49.00600.**
- 7.12. **Resolution #2019-180 Approve Wage Adjustment for Part Time Rapids Spirits Liquor Store Clerk Betty Norlin.**
- 7.13. **Approve Replacement of Transfer Case on Police Unit #1, by Park Rapids Ford, in the Amount of \$1,723.73.**

END OF CONSENT AGENDA

8. COMMENTS FROM CITIZENS: There were no comments.

9. PLANNING:

9.1. First Reading- Ordinance Rezoning Land to R-B in the City of Park Rapids, PID #32.37.03600: Mack stated this request, from Brooke Payne, is to rezone property at 211 Pleasant Avenue, from B-2 to R-B, to permit remodeling and continued use of the property for a four plex, which is the way it was used eight years ago when there was a fire on the property. The use would have been grandfathered in but due to discontinuance of use the rezoning becomes necessary to permit the issuance of a building permit for the remodeling. We are recommending approval of the first reading of the ordinance to change the zoning from B-2 to R-B.

A motion was made by Randall, seconded by Wills, and unanimously carried to approve the first reading of the Ordinance Rezoning Land to R-B in the City of Park Rapids, PID #32.37.03600.

9.2. Variance Request by Eric and Jessica Mjelde at 1120 Timbers Drive, PID #32.93.02400: Mack stated this is a request for a variance for the Mjelde's property. They have requested a ten-foot variance on the north side of the property line. The house was setback ten feet from the property line adjacent to the city's storm water parcel. It's not a constructed pond. It's an area that the city owned as a storm water site prior to the Timber's plat being approved by the city. That site will never be built on. The initial discussion with this request with the city engineer was a question about whether or not the lot lines could be squared off and the smallest lot in the subdivision could be expanded in size if all of that lot was not required for storm water pond construction at a future point in time. The city engineer's advice was that would not be his recommendation. Given the fact that there would be no entertaining of a possible sale of land to eliminate the variance, the variance option became the only option for the landowners to achieve the addition that they have proposed for their property.

Mack stated I have identified thirteen staff recommended findings in support of the application for a variance following the city's criteria for consideration of the approval of variances. These findings were adopted by the Planning Commission and have been sent to the City Council with their recommendation for this variance request to be approved. Along with those findings of support there are five recommended staff conditions also adopted and recommended by the Planning Commission to the City Council.

Mack stated the five conditions include:

1. Full conformity with the requirements of the September 15, 2019 Park Rapids City Engineer's letter.
2. Gutters and downspouts shall be installed to redirect all roof top rain water away from the City's stormwater parcel toward or directly connected to land owner on-site stormwater holding area.
3. Full review and plan approval by City Engineer for conditions 1 & 2 above prior to issuance of a building permit for the residence addition or any increase in impervious surface for the property.
4. The applicant shall apply for and receive a building permit to commence work within one (1) year from the date of final approval, or the variance approval shall expire unless an extension is approved by the City Council.
5. Approval of the Utility Easement Vacation by the City Council.

Mack stated there has been problems in the past with storm water runoff particularly when the frost is still in the ground. City crews have addressed the issue to the extent that they could. They scoped some of the sand off the property giving more storm water capacity. The concern is, and the recommendation from the city, is if the variance is approved that there be no increase in discharge and that be handled on site. The vacation request has to be approved in order for the city to issue a building permit. We cannot permit building in a utility easement.

Mack stated all five conditions are recommended. Staff is recommending that the City Council approve a resolution approving the request for a variance, with the thirteen findings and the five conditions.

Conway questioned you said there have been problems in the past. What problem has it caused? Where is the water going? Mack stated to the house west of Mjeldes. It hasn't happened since four years ago. This parcel is serving a larger area, not just the Timber's Subdivision. We have no infrastructure system for storm water in this area. The water follows the nature path of drainage to the low spot just north of Mjeldes. That area four years ago didn't allow the water to seep into the ground fast enough. The weather warmed up quickly and the frost was still in the ground. The water ponded on top of that surface and it went to the west and southwest. The house to the west of the applicant's property was completely encircled with water. To address that subject the city crew went out and scooped out some soil from that lot to deepen the capacity for holding water. Normally, it's not a problem. It's all sandy soil and discharges right into the ground, but this was a problem that had to be addressed that year.

Conway stated I'm trying to make sure that problem wasn't caused at all by this property. That problem was caused by the city's property. Mack stated that is correct. We're trying to avoid contributing any excess water due to construction of more impervious surfaces. They are going beyond addressing just the areas of the additional proposed improvement. They will also be addressing the existing runoff from their existing rooftops. That condition was discussed with the applicant and there was full agreement with that condition.

Conway stated there is a petition in the packet signed by the neighborhood. Is the person who owns the house surrounded by water part of the petition? Randall stated I want to point out that this isn't the only property contributing, it's all the properties that are causing this. My question is, is this condition for all this change for the storm water runoff, is that necessary to put that on this property owner to address that? Mack stated this has come before you for a special exception of the rules. This is the recommendation of the city engineer. Usually, the planner supports whatever the engineer recommends.

Randall stated I don't want to make it so burdensome on one person.

A motion was made by Randall, and seconded by Stone to approve the Resolution Approving a Variance from the Ten Foot Side Yard Setback in the R-1 Zoning District at 1120 Timbers Drive, PID #32.93.02400.

Discussion: Randall stated I don't want the conditions to be too onerous to this property owner just because they came forward and have this very unique situation, and there's this runoff issue that's caused by a whole bunch of properties. I don't want them to be the only ones to have to spend extra money. If it's something that they were going to do anyway, that makes sense to me. It's hard for me to tie it directly to one property. We're not going to all of these other properties and say hey there's an issue so we're going to need you to start doing some landscaping as well. Mack stated I can't disagree with that point.

Leckner stated I understand it's on them because of the variance. Randall stated and therefore the engineer made his recommendation. I'm all for this variance. I think the research was very well done. It was easy for me to look through the material and agree with it. I would encourage our engineer to really take a look to see if all of these conditions are really necessary. I think variances should be granted and there shouldn't be conditions

unless they are necessary. And that's not what I'm hearing about some of these conditions. That's my concern.

Conway stated I was relieved to see that the city owns land on the side that they want to do it because I have seen properties in town that you drive past after heavy rains where we have water standing, which we didn't. I was concerned about the flow of the water because if it's going to move towards someone else's home then I have a concern about that. If this is not affecting that then I'm fine with the variance. I want to make sure we're not effecting someone else's property.

Stone stated you see, based on a professional's opinion, that the storm water from this home is being properly treated on the property and he sees no evidence of storm water leaving this property. It doesn't necessarily indicate that, as he puts it, further facilitating proper drainage maybe isn't necessary. Am I interpreting that correctly? It's being addressed right now on their own property. It's not leaving the property and running into the city property next door.

Mack stated based on the proposed addition area, that would be the direction that it would flow, to the low spot on the city's property. Randall stated based on the additional impervious surface. Conway stated if we pass this variance the way it is written, then those conditions would apply and they would have to follow those conditions. Mack stated this is the recommendation from your staff and the Planning Commission.

Conway questioned does the property owner see any of the conditions as being burdensome? Jessica Mjelde stated I'm glad that it was brought up. We love our neighborhood and we're willing to do pretty much anything to stay which is why we did agree to this. Thank you for bringing this up. We do think it's a little bit far. We're willing to do it but we do think it's going a bit far. It's a lot of work for Flying W. It's going to be a big job and will entail a lot of money. It's going to be a lot of work for what I don't think is going to be that much of an improvement when they have already dug out the city lot.

Mathisrud stated I believe our engineer made this recommendation in an effort to use caution. Historically, they have dealt with the complaints when there is flooding, and the fingers usually point to the project that was most recently done. It's hard to be able to say no that isn't what caused it. So that's where this recommendation came from, in a sense to use as much caution as possible.

Mjelde stated the engineer said he had to base it on the one-hundred-year rain. That would be the one massive time that you get the really big rain that they have to account for. I've talked to the owner whose house was affected and since the city has dug out the area there hasn't been any standing water even in the very low spot. We have never seen a puddle of water there for as long as one hour after a big rain. We've seen a puddle of water there maybe once in the five years that we've been there. We are still willing to do what has been approved with the variance.

Conway stated we pass this variance the way it is and that would be in line with what the property owner wants. If we wanted to get that reevaluated, we'd have to not pass the variance, but it will delay the passing of the variance. Randall questioned do you want to get going on this this fall? Mjelde stated we thought maybe we couldn't, but now we're excited that maybe we can. It's too late to get going on it now. Randall stated if we send it back to the engineer for more clarification of whether this condition is necessary, we're going to push this back to the next meeting two weeks from now. Mjelde questioned would that mean I would have to go through the variance process again? Randall stated

no. Conway stated we would ask staff to reevaluate whether or not their recommendation is correct. But it will take at least two weeks for them to do that and to bring it back to the Council again. Mjelde stated I think that would be okay because we can't get concrete poured for a while.

Mack questioned the concern here is identified as the number one condition because that ties back to the letter from Jon Olson? Randall stated that is correct. Conway stated the gutters and downspouts aren't that big of a deal. Mjelde stated we have no issue replacing our gutters and downspouts.

The vote was called.

The following Councilmembers voted in favor: None.

The following Councilmembers voted nay: Conway, Leckner, Randall, Stone, Wills.

The motion failed.

Further Discussion: Randall stated I'd like to refer this back to staff to review if condition number one, full conformity with the requirements of the September 15th, 2019, Park Rapids City Engineer's letter is necessary, and whether or not it's burdensome for the landowner. I appreciate Jon Olson's work on it. He does great work for us. It seems like they drew the short straw because they had a project that was nearby this issue.

Mack stated we will specifically need a motion to table the requests, and to refer them back to staff as you have discussed. We have a sixty-day requirement to take action on these applications, if not we'd need to provide notice to extend that timeframe period. Tabling would be the appropriate action at this point.

A. Resolution Approve a Variance from the Ten Foot Side Yard Setback in the R-1 Zoning District at 1120 Timbers Drive, PID #32.93.02400: A motion was made by Stone, seconded by Conway, and unanimously carried to table the Resolution to Approve a Variance from the Ten Foot Side Yard Setback in the R-1 Zoning District at 1120 Timbers Drive, PID #32.93.02400, for two weeks.

B. Resolution Vacating a Public Utility Easement in the Timbers Addition in the City of Park Rapids: A motion was made by Stone, seconded by Conway, and unanimously carried to table the Resolution Vacating a Public Utility Easement in the Timbers Addition in the City of Park Rapids, for two weeks.

9.3. Resolution for Authorization to Submit a Seed Grant Application to the Minnesota Clean Energy Resource Teams on Behalf of the City of Park Rapids and the Park Rapids Lakes Area Chamber of Commerce: Mack stated I've prepared a request for the City Council to approve submission of a grant application for a cooperative agreement between the Chamber of Commerce and the city for the hiring of an intern to conduct a study for an electronic vehicle charging readiness study for this city and the greater Park Rapids area. The item has been approved in the 2020 preliminary budget. We believe that the grant would potentially be able to cover the full cost of \$2,500.00 for the city's and the chamber's portion for the internship project. The application is due this Friday, so if approved it would be submitted this week. I would bring back to you for your approval in the future the cooperative agreement between the chamber and the city for this

project and for the hiring of the intern to do the work. There would be some formal documents from the university. We do have a particular student in mind, but we will follow whatever correct procedure we would need to do. It is recommended that you approve a request to the Clean Energy Response Team, CERTS, for a seed grant in the amount of \$2,500.00 to be submitted by the City of Park Rapids and the Park Rapids Lakes Area Chamber of Commerce.

Conway questioned \$2,500.00 is the total cost? Mack stated that is the request for the grant application and that would be the anticipated cost for the internship project in 2020. Randall stated if we don't get the grant, we can still revisit whether or not we're going to spend money on the intern. You're just asking to go forward with the grant today. Mack stated correct. Conway stated the resolution ties the two things together. Randall stated I want to clarify this is just to apply for the grant. Mack stated correct.

Conway stated I'm concerned about the way the resolution is worded. The resolution should be changed to only approve submission of the grant. Mack stated we can do that.

A motion was made by Randall, seconded by Stone, and unanimously carried to approve Resolution #2019-181 Authorization to Submit a Seed Grant Application to the Minnesota Clean Energy Resource Teams on Behalf of the City of Park Rapids and the Park Rapids Lakes Area Chamber of Commerce.

10. CITY ADMINISTRATOR COMMENTS: Mathisrud stated last week MN DOT changed the traffic pattern associated with the roundabout project. Public works has spent a lot of time redirecting people and putting up some additional barricades at the airport. People are trying to find their way around. It is causing some issues. Most people understand how to use that detour now. We started the first round of labor negotiations and we have a draft with the first union. We have two more unions to work with in the near future. I'll be taking vacation on the 17th and the 18th to take care of my child. City hall is going to be closed at noon on Friday so Minnesota Power can replace the power pole next to the building.

Conway questioned do we have an end date for the construction? Do we know when the road will be open again? Mathisrud stated we don't have a firm date. It's dependent on the weather. I'm hearing it could be as short as two weeks, or it may go longer. The rain has been a challenge to get curb and gutter down. They are working as fast as they can.

Leckner questioned is there an update on the armory? Mathisrud stated we'll be having a meeting with PRCDC tomorrow. We attempted to have our building official go through the building to do a certificate of occupancy. The electrical work wasn't done, so therefore we can't finish all of the paperwork. We've been watching our contractors closely so we can get those updates as soon as we can.

11. DEPARTMENT HEAD UPDATES: Brumbaugh stated I have included a memo in the packet regarding pay equity. We have passed so we'll be good for another three years.

Terry Long stated October is Fire Prevention Month. We'll be working with the schools and the day cares with presentations.

12. MINUTES/REPORTS/INFORMATION: There were no comments.

13. COMMENTS FROM COUNCIL: Randall stated I was one of those that could not figure out the detours while I was trying to get to the airport. I'm looking forward to that project being done.

14. ADJOURNMENT: A motion was made by Conway, seconded by Wills, and unanimously carried to adjourn the meeting at 6:37 p.m.

[seal]

Mayor Ryan Leckner

ATTEST:

Margie M. Vik
City Clerk